

CHAPTER 20.60

SITE REGULATIONS

Sections:

20.60.010	Specific Purposes and Applicability
20.60.015	Temporary Structures and Uses
20.60.020	Accessory Structures and Mechanical Equipment
20.60.025	Relocatable Buildings
20.60.030	Extensions Into Yards
20.60.040	Development on Substandard Lots and Across Property Lines
20.60.045	Slopes and Submerged Lands
20.60.050	Outdoor Lighting
20.60.055	Heliports and Helistops
20.60.060	Plans and Drawings for Commercial and Industrial Districts
20.60.065	Residential Uses in Commercial and Industrial Districts
20.60.070	Waterfront Development Regulations
20.60.075	Drive-Through and Drive-Up Facilities
20.60.080	Marine Incentive Uses
20.60.085	Uses Requiring City Manager Approval
20.60.090	Recyclable Materials
20.60.095	Residential Property Maintenance
20.60.100	Home Occupations in Residential Districts
20.60.105	Outdoor Storage and Display
20.60.110	Bed and Breakfast Inns
20.60.115	Mixed Use Districts; Extended Hours
20.60.120	Personal Property Sales in Residential Districts
20.60.125	Design Standards for Mobile Homes on Individual Lots
20.60.130	Day Care Facilities for Children

20.60.010 Specific Purposes and Applicability

This chapter contains land use and development regulations that are applicable to sites in all or several districts. These regulations shall be applied as specified in Part II: Base Regulations, Part III: Overlay District Regulations, and as presented in this chapter.

20.60.015 Temporary Structures and Uses

- A. Purpose. This section establishes procedures whereby the Planning Director or the Planning Commission may approve interim or temporary uses of land or buildings consistent with the City's General Plan and the health, safety, peace, comfort and

general welfare of persons residing or working in the neighborhood and not violative of any other ordinances and regulations of the City.

- B. Temporary Structures and Uses Not to Exceed 90 Days. The Planning Director may authorize the temporary use of structures and land in any commercial, industrial, or planned community district for a period of time not to exceed 90 days. Prior to approving said temporary use the Planning Director shall inform the Planning Commission of his intent to permit said use and shall take whatever steps or precautions are necessary to assure that said use will be consistent with the purpose of this section and that said land or building will be restored at such time as the use is terminated.
- C. Temporary Structures and Uses in Excess of 90 Days. The Planning Director may authorize the temporary use of structures and land in any commercial, industrial, or planned community district for periods of time in excess of 90 days subject to the securing of a use permit in each case. In approving said use permit the Planning Director may impose whatever conditions deemed necessary to assure that the purpose of this section is carried out and shall establish a specific point in time when said permit is to be terminated and the site restored.
- D. Temporary Real Estate Structures. The Planning Director may approve temporary tract and sales offices for the first sale of structures and/or lots in any district for a period of time not to exceed 1 year following the recordation of the final subdivision map.
- E. Extensions of Time for Temporary Structures and Uses. The Planning Director may authorize extensions of time subject to the procedures specified above.

20.60.020 Accessory Structures and Mechanical Equipment

- A. Accessory Building - Yards. Where an accessory building, more than 6 feet in height, is attached to the main building, it shall be made structurally a part of and have a common wall with the main building or be connected to the main building by a solid cover, a minimum of 4 feet wide, and shall comply in all respects with the requirements of this code applicable to the main building. Unless so attached, such an accessory building in a residential district shall be located on the rear one-half of the lot and be at least 6 feet from any dwelling building or other accessory building existing or under construction on the same lot.
- B. Accessory Buildings for Keeping of Animals - Yards. Accessory buildings used for the keeping of chickens or other poultry or rabbits or other animals shall be not less than 60 feet from the front property line nor less than 20 feet from any side or rear property line.

- C. Swimming Pools and Related Equipment. Any swimming pool, fish pond, or other body of water which contains water 18 inches or more in depth for use in connection with any residential use shall be permitted in any required yard space, provided that the enclosing fence required in Chapter 15.04 of the Municipal Code is permitted under the provisions of Chapter 20.10 and Section 20.60.030.
- D. Underground Storage of Flammable Liquids. The underground storage of flammable liquids shall be prohibited in any residential district, or residential portion of a planned community or specific area plan district, in the City.
- E. HVAC Equipment.
 - 1. Building permits for heating, venting and air conditioning (HVAC) equipment in or adjacent to residential areas shall be issued only where installations can be shown by computation, based on the sound rating of the proposed equipment, not to exceed an A-weighted Sound Pressure Level of 50 dBA or not to exceed an A-weighted Sound Pressure Level of 55 dBA and be installed with a timing device that will deactivate the equipment during the hours of 10:00 p.m. to 7:00 a.m.. The method of computation used shall be that specified in "Standard Application of Sound Rated Outdoor Unitary Equipment," Standard 275, Air-conditioning and Refrigeration Institute, 1984 or latest revision thereof.
 - 2. In the event that HVAC equipment cannot meet the requirements set forth above, then the exterior noise limit for such equipment may be raised to 65 dBA provided that the applicant obtains the written consent of all the owners of the affected properties.
- F. Exterior Roof-Mounted and Ground-Mounted Mechanical Equipment.
 - 1. Screening Required. The screening of exterior roof-mounted and ground-mounted mechanical equipment is required in all zoning districts at the time of installation. Exterior roof-mounted and ground-mounted mechanical equipment (e.g. air conditioning, heating, ventilation ducts and exhaust vents, swimming pool and spa pumps and filters, transformers and generators, and similar equipment, but excluding solar collectors and related equipment), shall be screened from public view and adjacent residential districts, and shall comply with the following:
 - a. Roof-mounted Mechanical Equipment. Roof-mounted mechanical equipment shall not be visible in any direction (360 degrees) from any public rights-of-way, public property or adjacent residential property as may be seen from a point six (6) feet above ground level on such adjacent property, public property or sidewalk on the opposite side of the street. In addition, screening of the top of roof-mounted mechanical equipment may be required by the Planning

Director, if necessary to protect views from a residential district.

- b. Ground-mounted Mechanical Equipment. Ground-mounted mechanical equipment shall be screened from any public rights-of-way and/or public property as seen from a point six (6) feet above ground level.
- c. Exception to Screening Requirement: Where it can be clearly demonstrated that the exterior roof-mounted or ground-mounted mechanical equipment is not visible from any public rights-of-way and/or public property, the Planning Director may waive the requirement to screen the equipment.

2. Roof-mounted Mechanical Equipment

- a. Height Limit. Roof-mounted mechanical equipment and screen structures shall be subject to the height limitation of Chapter 20.65.
- b. Screening Methods. Screening of exterior roof-mounted equipment shall be accomplished with mechanical roof wells recessed below the roof line or solid and permanent roof-mounted screens. Roof screen materials and details shall be compatible with the architectural style, materials and color of the building upon which the equipment is located, subject to the approval of the Planning Director.

3. Ground-mounted Mechanical Equipment

- a. Setback Required. All exterior ground-mounted mechanical equipment and screening devices, except landscaping, shall be subject to the setback requirements of Sections 20.60.020 and 20.60.030 of the Zoning Code.
- b. Screening Methods. Screening of ground-mounted mechanical equipment shall be accomplished with fences, walls, solid hedges or other methods approved by the Planning Director. Landscaping shall be incorporated in areas adjacent to walls to help soften the impact, subject to the approval of the Planning Director. Chain link fencing with or without slats is not allowed.

4. Sound Rating. All exterior roof-mounted and ground-mounted mechanical equipment shall be subject to Section 10.26.025 (Exterior Noise Standards) of the Newport Beach Municipal Code.

5. Mixed-Use and Commercial Zoning Districts. Mechanical equipment on development sites within mixed-use or commercial zoning districts shall be located so that the impact of noise on residential uses within the development

and on adjacent residential uses is minimized to the greatest extent feasible.

6. Maintenance Required. All mechanical equipment screening devices and landscaping shall be retained and maintained in good condition at all times. Landscaping shall provide a dense, year-round screen.

20.60.025 Relocatable Buildings

No building permit or relocation permit shall be issued for the erection or placement of a relocatable building unless the applicant for said building permit has first applied for and obtained a use permit from the Planning Commission to maintain said relocatable building at a specific location.

20.60.030 Extensions Into Yards

A. Accessory Buildings and Structures and Plantings.

1. Fences, walls, hedges, uncovered decks, landings, patios, platforms, porches and terraces and similar structures not more than 6 feet in height, may be located within any required side yard to the rear of the front setback or within any required rear yard other than those abutting an alley.
2. Where there is a difference of 6 feet or more in elevation between the building sites of abutting lots, no fence, wall, accessory structure, or hedges shall hereafter be constructed or grown in any yard area of the lower lot adjacent to the lot line of the higher lot to a height in excess of 3 feet above the elevation of the building site of the higher lot.
3. Accessory buildings, including housing for mechanical equipment, not more than 6 feet in height, and totaling no more than 150 square feet, may be located within any required side yard to the rear of the front setback or within any required rear yard other than those abutting an alley.
4. Fences, walls, hedges, and accessory structures shall be limited to 3 feet in height above natural grade in all required front yard setback areas (including any required side yard between the front property line and the required front setback line), except as provided below.

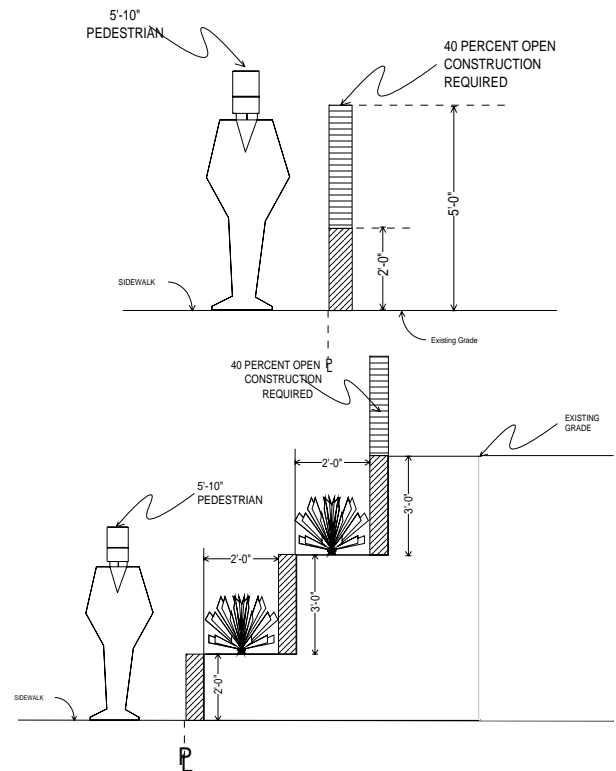
5. In Old Corona del Mar, West Newport, and the Balboa Peninsula (as delineated in Section 20.10.040) and on Balboa Island, fences, walls, uncovered accessory structures, and hedges, except as noted below, shall be limited to a height of 5 feet above the natural grade in all required front yard setbacks (the upper 3 feet of which must be at least 40 percent open).

In addition, areas where the existing grade is in excess of 2 feet in height above the adjacent sidewalk (or curb elevation where no sidewalk exists), a maximum 2 foot high retaining wall shall be permitted to be located at the front property line. Any additional maximum 3 foot high retaining walls shall be permitted a minimum distance of 2 feet from the face of the preceding retaining wall with subsequent retaining walls subject to the same limitation.

A maximum 5 foot fence, wall, uncovered accessory structure, or hedge (the upper 3 feet of which must be at least 40 percent open) shall be permitted atop the highest retaining wall for safety purposes.

Exceptions:

- a. Fences, walls, uncovered accessory structures, and hedges shall not exceed a height of 3 feet above the natural grade in all required rear yard setback areas abutting or adjacent to the waterfront of Newport Bay, the shoreline of the Pacific Ocean, the Old Channel of the Santa River (the Oxbow Loop), or the channels in West Newport.
 - b. Fences, walls, and hedges shall not exceed a height of 5 feet above the natural grade in all required front yard setback areas adjacent to North Bay Front and South Bay Front on Balboa Island and East Bay Front on Little Balboa Island (the upper 2 feet, 6 inches of which must be at least 40 percent open).
6. Required Sight Distances. Fences, walls, uncovered accessory structures, and hedges shall be limited to 3 feet in height within any required front yard setback area of up to a maximum of 10 feet, that is within 60 feet of the intersection of two street rights of way. A sight distance "triangle" shall also be required for fences, walls, uncovered accessory structures, and hedges not



to exceed 3 feet in height, within any required side yard setback that is within 15 feet of the intersection of a street right of way and an alley, within 15 feet of the intersection of two alleys, or within 5 feet of the corner of any intersecting street right of way and a driveway. Elevations for construction within required sight distance "triangles" shall be measured from the adjacent top of curb height.

B. Architectural Features.

1. Roof overhangs, brackets, cornices, and eaves may project up to 2 feet, 6 inches into any required front or rear yard setback; provided, however, that such architectural features shall not project any closer than 2 feet from side property line. Any such features shall maintain a clearance above grade vertically of at least 8 feet.
2. Decorative architectural features such as belt courses, ornamental moldings, and pilasters may project up to 6 inches into any required setback.

C. Protective Railing. Protective railings around balconies and windows required by the Building Code may project up to 6 inches into any required setback.

D. Planter boxes. Planter boxes, up to 6 feet in length, may project up to 6 inches into any required setback.

E. Garages. In residential districts, where 3 parking spaces are provided across the rear of a lot less than 30 feet 10 inches wide, 1 garage wall may project into the required side yard setback. Its distance from the property line shall be not less than 26 inches plus the amount (if any) that the width of the lot exceeds 30 feet. The substandard side yard created thereby shall have a clear passageway 26 inches wide, unobstructed by fences, utility meters, hose bibs, or any other appurtenances which could interfere with use of the passageway by emergency personnel or equipment.

F. Fireplaces and Chimneys. Fireplaces and chimneys not to exceed 8 feet in width, may project to a distance of 2 feet into any required front or rear yard setback of 10 feet or more for any residential structure; provided, that the fireplace and chimney must be located not less than 5 feet from any side yard setback line.

Fireplaces and chimneys not to exceed 9 feet in width may project to a maximum distance of 2 feet, 6 inches from any side yard setback line provided that such encroachment must be at least 2 feet from any side property line.

G. Awnings, Canopies, Marquees, and Shades. Awnings, canopies, marquees, or shades may project up to a maximum of 5 feet into required yards as follows:

Residential Districts:

Front: One half the depth of the required front yard
Side: 0 feet
Rear: 2½ feet

Vertical Clearance: 6½ feet above grade

RSC, APF, and RMC Districts:

Front: One half the depth of the required front yard
Side: 2 feet
Rear: One half the depth of the required rear yard

Vertical Clearance: 8 feet above grade.

All Other Commercial Districts:

Front: One half the depth of the required front yard
Side: 0 feet
Rear: 2½ feet

Vertical Clearance: 5½ feet above grade

Any such projection from the building shall be supported entirely by the wall of the building, and shall meet all requirements of the Building Code.

- H. Building Location. Where no setback line is established by the provisions of this code for the location of any building, all buildings shall be located an adequate distance from all travel lanes to provide adequate space for the pedestrian and traffic movements and the standing of vehicles which will be incidental to the use of such building. The distance shall be designated by the Planning Commission.
- I. Encroachments in Residential Rear Yard Setbacks Abutting Alleys. In residential districts having alleys to the rear of lots or development sites, a second-story projection will be permitted to encroach into the setback stipulated in Chapter 20.10, subject to the following conditions:
1. No projection may extend closer than 7'-6" to the center of any alley.
 2. No projection may extend closer than 2'-6" to the rear property line.
 3. That portion of the building which encroaches into the required rear yard setback shall have a minimum ground clearance of 8'-0".
 4. No encroachment will be permitted on lots having a depth exceeding 85 feet.

J. Bay Windows and Greenhouse Windows. Bay Windows and Greenhouse Windows shall be permitted to extend into required yards subject to the following restrictions:

1. No more than 2 bay windows or greenhouse windows on a structure shall be permitted to project into any one setback; and
2. Bay windows and greenhouse windows shall not to exceed 8 feet in width or 10 feet in height within the projection; and
3. Bay windows and greenhouse windows shall be cantilevered and shall not extend to the ground; and
4. The interior surface of bay windows and greenhouse windows shall be elevated a minimum of 18 inches above the adjacent finished floor surface at the required building setback line; and
5. Bay windows and greenhouse windows shall be designed to preclude use as a door or entry; and
6. Projection into required yards shall be limited as follows:

Required Yard Setback	Permitted Extension	Additional Regulations
Front (4 feet to less than 10 ft.):	16 in.	
Front (10 ft. or more):	2 ft.	
Side:	2 ft.	A minimum side setback yard of 2 feet must be maintained; limited to first floor only.
Rear:	2 ft.	Not permitted when the rear property line abuts an alley.
Distance Between Detached Structures:	2 ft.	

K. Access to Dwellings and Extensions into Yards Within Corona del Mar. Within the area of Corona del Mar, as defined in Section 20.10.040 (A), on lots 30 or more feet wide, a 4 foot side yard setback shall be maintained, up to a minimum height of 8 feet above grade, between the primary entrance to any dwelling unit and the public street or alley. Within this area, a 3 foot wide unobstructed walkway shall be provided. This walkway shall be paved, and the only above grade encroachments permitted in this area shall be steps essential for use of a first floor entrance. The requirements of this section are not intended to affect the buildable area of a lot.

- L. Balconies-Front Yards Abutting East Ocean Front and West Ocean Front. Balconies may project up to a maximum of 3 feet into any required front yard setbacks along East Ocean Front and West Ocean Front. Balcony railings shall be limited to a maximum height of 42 inches, and shall be constructed of transparent material or, if constructed of opaque material, must be at least 40 percent open. Balconies constructed after November 23, 1994 shall be cantilevered such that no underlying support is necessary. Roofs shall not be permitted in required front yard setbacks except as provided in Section 20.60.030 (B). Patios and raised decks located on the ground floor or lower level which project into required front yard setbacks shall be constructed in accordance with Section 20.60.030 (A).
- M. Limits on Encroachments. Total permitted front or rear yard setback encroachments, including bay windows, greenhouse windows, and chimneys shall not exceed 50 percent of the buildable width of the lot.

20.60.040 Development on Substandard Lots and Across Property Lines

Provisions regulating development on substandard lots, development across property lines, and lot mergers are contained in Title 19 (*Subdivision Code*).

20.60.045 Slopes and Submerged Lands

MFR District. The minimum land area may be established by the Districting Maps. For purposes of determining the allowable number of units, areas which have a slope greater than 2:1 or which are submerged shall be excluded from land area. Submerged areas are defined to be areas which are below Mean Higher High Water.

Notwithstanding any other provision of this section, at least 2 dwelling units may be permitted on any lot or parcel in the MFR District which was legally in existence as of October 24, 1988, and which has a land area of at least 2,400 square feet, excluding areas having a slope greater than 2:1 and submerged areas.

20.60.050 Outdoor Lighting

No swimming pool, tennis court or other use which, in the opinion of the Planning Commission is of a similar nature, and which is located within any residential district or closer than 200 feet to the boundary of any residential district, shall be lighted externally unless a use permit shall first have been secured for the installation, maintenance, and operation of the lighting fixtures. This provision shall not be construed so as to require a use permit for lighting fixtures which are normally incidental to the use of a residential structure.

20.60.055 Heliports and Helistops

No helicopter shall land or take off and no heliport or helistop shall be established in any R-1 or R-2 District. In any other zoning district, no helicopter shall land or take off and no heliport or helistop shall be established unless a use permit shall first have been secured for the establishment, maintenance, and operation of such use.

The Planning Director may approve temporary helistops in any zoning district of the City for a period not to exceed 90 days for use in connection with major construction sites if he determines that such helistops will not unduly interfere with the health, safety, and welfare of persons owning property in the surrounding area and he may attach appropriate conditions to such approval.

20.60.060 Plans and Drawings for Commercial and Industrial Districts

- A. Applications for a use permits, variances, modification permits, or site plan review for any building or structure in any commercial or industrial district, shall be accompanied by architectural drawings or sketches and plot plans, all to a workable scale, showing the elevation of the proposed building, or structure and proposed landscape or other treatment of the grounds around such building or structure and other physical features, such as trees, hydrants, poles, etc. Such drawing or sketches shall be considered by the Planning Director or Planning Commission in an endeavor to provide that such buildings or structures and grounds be in keeping with the character of the neighborhood and such as not to be detrimental to the orderly and harmonious development of the City, or not to impair the desirability of investment or occupation in the neighborhood.
- B. Architectural Committee - Appointment and Membership. The Planning Commission may appoint an Architectural Committee of 3 members, who may be employees in the following departments: Planning and City Engineer.
- C. Authority of Architectural Committee - Standards. The Architectural Committee shall have authority to approve architectural sketches within the meaning of Section 20.60.060 (A), but all approvals shall be based on standards of good architectural design; such standards, which shall be entitled "Drawings and Illustrated Architectural Standards for Certain Areas Designated in Title 20 of the Municipal Code of the City of Newport Beach", shall be approved by the Planning Commission and the City Council, and shall be on file in the Planning Department. The drawings shall show desirable architectural standards, but are not designs which must be copied in order to secure approval of plans.
- D. Appeals. In case the applicant is not satisfied with the decision of the Architectural Committee, the applicant may within 30 days after such action appeal in writing to the Planning Commission. The Architectural Committee may, if it deems advisable, refer any application for architectural approval to the Planning Commission for its decision.

In case the applicant is not satisfied with the action of the Planning Commission, the applicant may appeal to the City Council under the provisions of Chapter 20.95.

- E. Approval of Plans Requisite to Permit Issuance. No permit shall be issued in any case as provided in Section 20.60.060 (A) until such drawings and sketches have been approved by the Planning Commission and all buildings, structures and grounds shall be in accordance with the drawings and sketches.

20.60.065 Residential Uses in Commercial and Industrial Districts

- A. Dwellings in Commercial Districts. Residential uses shall be permitted only where the commercial district is combined with the Residential Overlay (-R) District, in compliance with Chapter 20.52.
- B. Dwellings in M-1 and M-1-A Districts - Yards. Every building or portion thereof which is designed or used for any dwelling purpose in any M-1 District shall comply with the requirements of such appropriate residential district as is determined by the use to which such M-1 and M-1-A District property is being put, provided, however, that when the entire ground floor of any such building is used for any commercial purpose, the yard provisions specified for such M-1 and M-1-A District may be applied to the ground floor only.

20.60.070 Waterfront Development Regulations

- A. Bulkheads. All bulkheads shall be constructed to an elevation of 9 feet above mean low water(8.67 NAVD 88).
- B. Bulkhead Setback: A minimum setback of 10 feet shall be maintained from the bulkhead line.
- C. Public Access to Bay Front. In approving a site plan review or granting a use permit for development on a site with frontage along the bay, the Planning Commission shall require the dedication of vertical and lateral public access easements, except where adequate public access already exists or where the provision of access is inconsistent with public safety or the protection of fragile coastal resources. The following standards shall be applied to all lateral and vertical public access easements:
 - 1. Public access easements shall be a minimum of 6 feet in width.
 - 2. Public access easements may be provided within required setback areas.

3. All dedicated public access easements shall be recorded with the Orange County Recorder's Office in a manner satisfactory to the Public Works Department.
- D. Pump-out Facilities Required. On waterfront sites where the proposed use includes public marinas, yacht clubs, boat charters or rentals, sports fishing establishments, commercial fishing facilities, marine service stations, gas docks, boat launching facilities, or other similar uses, either public or private, boat holding tank pump-out facilities shall be provided in each case, unless otherwise approved by the Planning Commission of a site plan review or use permit. Said pump-out facilities shall have adequate capacity to accommodate all vessels anticipated at each site. Prior to the issuance of building permits, the Marine Director shall approve all plans and specifications of pump-out facilities.

20.60.075 Drive-Through and Drive-Up Facilities

- A. Definition. Any place of business which transacts any part or all of its business directly with customers within a vehicle.
- B. Use Permit Required. A use permit issued by the Planning Commission shall be required for drive-through or drive-up facility.

20.60.080 Marine Incentive Uses

- A. Purpose. These regulations encourage marine commercial uses by establishing a system of incentives to property owners to maintain these uses.
- B. Definition. Incentive uses are marine-related uses provided in the use classifications Marinas, Marine-Related Industry, Marine Sales and Services, and Yacht Clubs. When incentive uses occupy at least 40 percent of a site, as defined herein, may be combined with non-incentive uses under the provisions of this section.
- C. Site Area. For purposes of determining compliance with this section, "site" shall be defined as the total land area within the established property line of a parcel, including any portion under water. 40 percent of this total area shall be devoted to an incentive use as defined herein. For any permitted use bayward of the bulkhead, such as boat slips or marine gas docks, any land used for required parking for such use shall be included in the calculation of incentive uses to determine compliance with this section.
 1. Any land area devoted to coastal related or coastal dependent uses such as marine ways, boat yard work areas and boat display areas in conjunction with a yacht sales business shall be included in the calculation of incentive uses to determine compliance with this section.

2. Any land area devoted to support a use in the water as described above shall also be included in the calculation to determine the total amount of development permitted on the site as set forth in this section .
3. Where a mixed-use development is proposed with any combination of incentive uses and non-incentive uses, the area devoted to non-incentive uses shall be subtracted from the total area of the development. 40 percent of the balance of the total development shall be devoted to an incentive use as defined herein.

20.60.085 Uses Requiring City Manager Approval

In addition to the land use regulations specified by the Zoning Code, the following uses shall require a permit approved by the City Manager:

- A. Pawnbrokers, secondhand dealers, and junk dealers, pursuant to the provisions of Chapter 5.20 of the Municipal Code.
- B. Establishments providing entertainment where food or beverages are served and open to the public, pursuant to the provisions of Chapter 5.28 of the Municipal Code.
- C. Establishments, where food and beverages are sold for consumption on the premises, which allow or permit dances, which are open to the public without payment of an admission fee, pursuant to the provisions of Chapter 5.32 of the Municipal Code.
- D. Establishments keeping, maintaining or possessing 1 or more pool tables or amusement devices, pursuant to the provisions of Chapter 5.34 of the Municipal Code.
- E. Commercial filming, pursuant to the provisions of Chapter 5.46 of the Municipal Code.

20.60.090 Recyclable Materials

- A. Purpose. This section establishes a comprehensive set of regulations and guidelines regarding the requirement for specific areas for collecting and loading recyclable materials in certain developments in the City of Newport Beach.
- B. Definitions. For the purposes of this subsection, the following definitions shall apply:
1. Development Project. Development project shall mean any of the following:
 - a. A project for which a building permit is required for a new commercial, industrial or institutional building, marina, or residential building having 5 or more living units where solid waste is collected and loaded, or any residential project where solid waste is collected and loaded in a location serving 5 or more living units.
 - b. Any new public facility where solid waste is collected and loaded and any improvements to that part of a public facility used for collecting and loading solid waste.
 - c. Any alteration or alterations to an existing commercial, industrial, or residential building, marina, or public facility project where the existing floor area is expanded by 50 percent or more.
 2. Improvement. A physical change which adds to the value of a facility, prolongs its useful life, or adapts it to new uses, excluding repairs, which do not substantially extend the life of the facility.
 3. Floor area of a marina. The space dedicated to the docking or mooring of marine vessels.
 4. Public Facility. Any building, structure, or outdoor recreation area owned by a local agency.
 5. Recycling Area (Areas for Recycling). Any space allocated for collecting and loading of recyclable materials, which is accessible and convenient for those who deposit as well as those who collect and load recyclable materials.
- B. Applicability.
1. All development projects for which a building permit is issued on or after March 1, 1995, shall be required to provide adequate, accessible, and convenient recycling areas for collecting and loading recyclable materials.

2. For purposes of this chapter, recycling areas for collection and recycling of commingled recyclable and non-recyclable materials which are transported to a mixed waste processing and material recovery facility are deemed to be adequate, accessible, and convenient.

C. Requirements. The following requirements shall be used in evaluating all recycling areas required by this subsection:

1. An adequate number and capacity of bins or containers to allow for the collection and loading of recyclable materials generated by the development shall be located within the recycling areas of development projects. Dimensions of the recycling area shall accommodate containers consistent with current methods of collection in the area in which the project is to be located. Where solid waste is collected and loaded in a location serving five or more residential living units, recycling areas are only required to serve the needs of the living units which utilize the solid waste collection and loading area.
2. The design and construction of recycling areas shall be compatible with surrounding land uses, structures, topography and vegetation. Developments and public right of way adjacent to recycling areas should be adequately protected against any adverse impacts such as noise, odor, vectors, or glare through measures including, but not limited to maintaining adequate separation, fencing, and landscaping.
3. Recycling areas shall be enclosed by a masonry wall with access gates which effectively obscures the contents placed within the enclosure.
4. Recycling areas shall be secured to prevent the theft of recyclable materials while allowing authorized persons access for disposal of materials.
5. Recycling areas or the bins or containers placed therein shall provide protection against adverse environmental conditions which might render the collected materials unmarketable.
6. Driveways or travel aisle shall be unobstructed and provide access for any solid waste hauler's collection vehicles and shall provide minimum clearance for vehicles utilized by the solid waste haulers.
7. The design and construction of recycling areas shall meet all applicable zoning setback requirements and shall not be located in any area required to be constructed or maintained unencumbered, according to any applicable federal, state, or local laws relating to fire, access, building, transportation, circulation, or safety.

8. Any recycling areas shall be located to be convenient to persons who deposit, collect, and load the recyclable materials. Whenever feasible, areas for collecting and loading recyclable materials should be adjacent to, or developed in conjunction with, the solid waste collection areas.
9. A sign clearly identifying all recycling and solid waste collection and loading areas and the materials accepted therein should be posted adjacent to all points of direct access to the recycling area.
10. All areas for loading and collecting recyclable materials are subject to review by the Planning and/or Building Departments.

20.60.095 Residential Property Maintenance

Lots located in residential districts shall be maintained in such a manner to prevent unsafe or unsightly conditions including:

- A. The storage or accumulation of household items -- except furniture designed for outdoor use, barbecues and plants -- on patios, roofs, balconies and in yards when such items are visible from a public street, alley, sidewalk or other public right-of-way.
- B. Private driveways or walkways which, due to deterioration or lack of maintenance, create a hazard to pedestrians.
- C. The outdoor storage of large household appliances such as refrigerators, freezers, washers and dryers, in any area accessible to minors who are not under the care and supervision of the owner or person in charge of the property.

20.60.100 Home Occupations in Residential Districts

- A. Intent and Purpose. This section permits a home occupation as an accessory use if it is compatible with the residential character of the neighborhood in which it is located and is conducted so as not to disturb or cause discomfort or annoyance to any reasonable person of normal sensitivity residing in the area.
- B. Required Conditions. Home occupations shall comply with the following regulations.
 1. Any home occupation use shall be confined to the principal residence of the individual so engaged, shall be excluded from any yard or accessory building, and shall be clearly incidental and subordinate to the primary residential use.

2. No alteration shall be made in either the internal or external structural form of the residential building or the external appearance for purposes of any home occupation. The removal of partitions or floors or parts thereof, shall be construed as an alteration of the external or internal structural form and is, therefore, prohibited.
3. No evidence of any home occupation shall be visible from off the lot where it is conducted.
4. Employees of a home occupation shall be limited to permanent residents of the dwelling unit. This restriction would not apply to independent contractors who make occasional or periodic visits to the site of the home occupation.
5. No storage of equipment or materials used in a home occupation shall be outside the principal residence.
6. No change shall be made in any non-communications utility line, meter or service to accommodate a home occupation and utility use shall not unreasonably exceed that normally or previously used at such residence.
7. No equipment or process shall be used in any home occupation which emits radiation or creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the property used for such home occupation. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference.
8. The number of parking spaces available to a dwelling unit housing a home occupation shall not be reduced to less than the number required by Chapter 20.66: Off-street Parking and Loading and Section 20.62.060: Nonconforming Parking.
9. A home occupation shall not create pedestrian, automobile, or truck traffic significantly in excess of the normal amount in the district.
10. No vehicle repair or storage associated with the home occupation shall be permitted.
11. No home occupation shall be open to visitors without prior appointments.
12. Home occupations shall subject to all other State and local laws and ordinances.
13. All applicable business licenses shall be obtained as required by Title 5 of the Municipal Code.

20.60.105 Outdoor Storage and Display

- A. Use Permit Required. Outdoor storage and display of merchandise, materials, or equipment, including merchandise, materials, and equipment for customer pick-up, shall be permitted in conjunction with a permitted or conditionally permitted use with a use permit issued by the Planning Director.
- B. Required Conditions. The Planning Director may require yards, screening, or planting areas necessary to prevent adverse impacts on surrounding properties or the visual character of the area.
- C. Screening. Where screening is required, outdoor storage and display areas shall be screened from view of streets by a solid fence or wall. The height of merchandise, materials, or equipment stored or displayed shall not exceed the height of the screening fence or wall.
- D. Grounds for Denial. The Planning Director shall deny the use permit application for outdoor storage and display which adversely impacts the surrounding properties or the visual character of the area.
- E. Exceptions. Outdoor storage and display shall be permitted in conjunction with the following use classifications in districts where they are permitted or conditionally permitted:
 - 1. Marine Sales and Services.
 - 2. Nurseries, provided outdoor storage and display is limited to plants only.
 - 3. Vehicle/Equipment Sales and Rentals, provided outdoor storage and display is limited to vehicles offered for sale only.
 - 4. Outdoor Storage and Display, Temporary, as provided in Chapter 20.05.

20.60.110 Bed and Breakfast Inns

- A. Use Permit Required. A use permit approved by the Planning Commission shall be required for bed and breakfast inns in residential districts and a use permit approved by the Planning Director shall be required for bed and breakfast inns in non-residential districts.
- B. Operational Standards.

1. Resident-Operator. In residential districts, bed and breakfast inns shall be operated by the property owner living on the premises.
2. Meals. Serving of meals shall be limited to breakfast and for registered guests only.
3. Sales. In residential districts, incidental sales for goods and services shall be permitted, but shall be limited to registered guests only.
4. Length of Stay. No guest may occupy accommodations in the bed and breakfast inn for more than 14 days in any three-month period.

C. Design and Development Standards.

1. Number of Guest Rooms. In residential districts, 3 guest rooms for each dwelling unit permitted, based on the minimum site area per dwelling unit for the zoning district in which the Bed and Breakfast Inn is located. The Planning Commission may further limit the number of guest rooms to insure the residential character of the neighborhood is maintained.
2. Kitchen Facilities. No separate kitchen facilities for guests shall be provided
3. Parking. Off-street parking shall be as specified in Chapter 20.66: Off-Street Parking and Loading, unless modified by the Planning Commission pursuant to Section 20.66.100: Modification or Waiver of Off-Street Parking Requirements.
4. Signs.
 - a. Residential Districts. Signs shall be limited to one sign no larger than 4 square feet identifying the name of the establishment. The Planning Commission may approve an increase in the sign area up to a maximum of 6 square feet, if it is found that the sign will not adversely impact the residential character of the neighborhood. No internally illuminated or luminous tube signs shall be permitted. The maximum height of the sign shall not exceed 6 feet.
 - b. Non-residential Districts. Signs shall be in accordance with Chapter 20.67: Signs.
5. Other Licenses and Permits. Bed and breakfast inns operators shall obtain a transient occupancy permit and all applicable business licenses from the Revenue Manager and shall be subject to all other State and local laws and ordinances.

20.60.115 Mixed Use Districts; Extended Hours

- A. Definitions. For the purposes of this section, the following definitions shall apply:
1. Extended Hours. The time between the hours of 2:00 a.m. and 5:00 a.m.
 2. Extended Hours Operation. Any commercial use that receives patrons or visitors during extended hours.
 3. Mixed Use District. Any zoning district which permits both residential and non-residential uses.
- B. Prohibitions in Mixed Use Districts. No extended hours operation shall be permitted in mixed use districts, except as provided in Section 20.60.115 (C) below.
- C. Exceptions.
1. Existing Uses. Any existing extended hours operation which has operated as such for two or more days per week prior to November 24, 1997. Any extended hours operation permitted under this subsection which remains inactive for 180 consecutive days, shall be deemed to have ceased and shall only be reestablished with the approval of a use permit, as provided in Subsections C-2 and C-3, below.
 2. Uses Regulated By Other Permits. Any extended hours operation regulated by an existing use permit or a special event permit.
 3. Uses Approved by the Planning Director. Extended hours operations approved by the Planning Director under the provisions of Section 20.60.115 (D) below.
- D. Planning Director's Approval. The Planning Director may issue a use permit to approve an extended hours operation in a mixed use district, upon making one or more of the following findings:
1. That the use is located adjacent to the boundary of the mixed use district and is oriented away from the residential areas of the mixed use district.
 2. That property on which the use is located contains site design and/or development features which mitigate any potential significant adverse impacts to the residential areas of the mixed use district.
 3. That the use has operational characteristics which preclude any significant adverse impacts to the residential uses of the mixed use district during extended hours.

4. That the principal clientele of the use are residents of the mixed use district.

20.60.120 Personal Property Sales in Residential Districts

Personal property sales shall be permitted in residential districts, subject to the following regulations:

- A. Sales shall be conducted for a maximum period of 3 consecutive days;
- B. Sales shall not be conducted more than two times in any one year;
- C. Sales shall be conducted only during daylight hours;
- D. No property shall be stored, displayed, or offered for sale within public rights-of-way or on public property, except as provided by Section 10.08.030 of the Municipal Code.
- E. Property displayed or offered for sale or trade shall be limited to used personal property from or on any residence or group of residences within the same neighborhood. No new or used property acquired or consigned solely for the purposes of resale shall be displayed or offered for sale or trade.
- F. No food or beverages shall be offered for sale or trade.
- G. Only 1 sign, not more than 4 square feet, shall be permitted to be displayed on the property of the residence where the personal property sale is being conducted. In no case, shall the sign be placed within the public property or on public property in violation of Section 20.67.025 (I-6 and I-7).

20.60.125 Design Standards for Mobile Homes on Individual Lots

- A. Purpose. This section establishes design standards for mobile homes outside of mobile home parks to ensure their compatibility with surrounding conventional dwelling units.
- B. General Requirements. In compliance with California Government Code Sections 65852.3, et seq., individual mobile homes installation in individual lots in the R-A, R-1, R-1.5, R-2, MFR and residential portions of PC Districts shall comply with the following standards in addition to those of the zoning district:
 1. Mobile homes shall be placed on a foundation system consisting of solid concrete or masonry wall under the outside perimeter of the manufactured home; or piers or other open construction meeting the requirements of the currently effective City Building Code, combined with skirting placed around the outside of the manufactured home in such a manner that the exterior siding appears to start from ground level.

2. The exterior siding of the mobile home shall be similar in appearance to siding material customarily used on conventionally built housing. Shiny or metallic finishes are prohibited.
3. The roof of the mobile home must have a pitch of not fewer than 3 inches vertical rise per 12 inches of horizontal distance. The roof must have eaves or overhangs of not less than 12 inches, except where required to maintain a 2-½ foot property line setback. Built up, roll roofs and corrugated, sheet or skin metal or plastic panels are prohibited.
4. Mobile homes that are more than 10 years old are not permitted to be installed. Proof of the date of manufacture of the mobile home shall be required at the time of plan check submittal.

20.60.130 Day Care Facilities for Children

- A. Applicability. Day care facilities for children, including Large Family Child Care Homes, Small Family Child Care Homes, and Day Care, General, shall comply with the following standards. These standards shall apply in addition to those requirements imposed by the California Department of Social Services.
- B. Licensing. California Department of Social Services licensing is required for all day care facilities for children.
- C. Care Provider's Residence. Each family child care home shall be the principal residence of the care provider and the use shall be clearly residential in character, and be incidental and secondary to the use of the property as a residence.
- D. Additional Standards. Each family child care home shall comply with applicable building and fire Codes, and standards adopted by the State, and Social Services Department licensing requirements (California Code of Regulations, Title 22, Division 2).
- E. Use Permit Required for Large Family Child Care Homes. In addition to the requirements of Section 20.60.130 A-D, Large Family Child Care Homes shall require a use permit issued by the Planning Director. The Planning Director shall approve the use permit if the Large Family Child Care Home complies with Section 20.60.130 A-D and the following:
 1. Separation Requirement. No Large Family Child Care Home within a residential district shall be located within 500 feet of an existing Large Family Child Care Home or other day care facility.
 2. Drop-off/Pick-up Area. A minimum of 2 off-street parking spaces as a drop-off and pick-up area shall be provided in addition to those required for the dwelling unit. A driveway may be used to provide these spaces, provided it

is approved by the Traffic Engineer based on traffic and pedestrian safety considerations.

3. Noise. In order to protect adjacent residential dwellings from noise impacts, a facility within a residential district may only operate a maximum of 14 hours for each day between the hours of 6:00 a.m. and 8:00 p.m. and may only conduct outdoor activities between the hours of 7:00 a.m. and 7:00 p.m.